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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,642	04/04/2006	Mikko Nevalainen	BKS.002.WUS	8247
7590 Hollingsworth & Funk 8009 34Th Avenue South Suite 125 Minneapolis, MN 55425			EXAMINER HUSSAIN, IMAD	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 04/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,642

**Applicant(s)**

NEVALAINEN, MIKKO

**Examiner**

IMAD HUSSAIN

**Art Unit**

2151

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10, 12-20 and 22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 10, 12-20 and 22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 24 March 2008.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application.  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's response filed 24 March 2008 has been received and made of record.
2. Claims 9, 11, 21 and 23 have been cancelled. Claims 1-8, 10, 12-20 and 22 have been amended and remain pending.

***Response to Arguments***

3. Cancellation of claim(s) 9, 11, 21 and 23 in response to rejections and objections has been considered. The amendment to the claims obviates previously raised rejections and objections and as such the rejections and objections to these claims are hereby withdrawn.
4. Amendment of claims 10 and 22 in response to 101 rejections has been considered. The amendment to the claims obviates previously raised 101 rejections and as such the 101 rejections of these claims is hereby withdrawn.
5. Amendment of claims 5, 10, 17 and 22 in response to objections has been considered. The amendment to the claims obviates previously raised objections and as such the objections to these claims are hereby withdrawn.
6. Applicant's arguments with respect to claims 1-8, 10, 12-20 and 22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8, 10, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by John Varland (WO 01/86997 A1, hereinafter Varland) in view of Alan Demers et al. (*The Bayou Architecture*, hereinafter Demers).

Regarding claim 1, Varland discloses a *method for determining and notifying users having substantially matching preference profiles* [Varland: Page 3 (2) Lines 14-22], *for accessing a multiple access online application* [Varland: Page 3 (2) Lines 23-26] *destined for a plurality of mobile terminal devices each being connected to a wireless communication network* [Varland: Page 2 (1) Line 30] *and being related to said users, said method comprising:*

*-receiving a preference profile including identification data and preference data related to at least another one of said users, from a mobile terminal related to said at least one other user* [Varland: Page 3 (2) Lines 1-2 and 9-14];

*-saving said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user* [Varland: Page 7 (6) Lines 19-23];

*-comparing said received preference data with the preference data contained in the user database for determining users of substantially matching preference data* [Varland: Page 3 (2) Lines 14-19];

*-determining a plurality of users having said substantially matching preference data [Varland: Page 3 (2) Lines 14-19]; and*

*-sending a notification to each of said mobile terminals related to said determined users [Varland: Page 3 (2) Lines 14-22].*

Varland does not explicitly disclose that the receipt of information occurs *in a mobile terminal device related to one of said users*.

However, Demers teaches that such occurs *in a mobile terminal device related to one of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Regarding claim 2, the combination of Varland and Demers discloses *granting to each of said notified users an access to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 3, Varland discloses *a method for notifying a user having a preference profile substantially matching with at least one other user* [Varland: Page 3 (2) Lines 14-22], *for accessing a multiple access online application* [Varland: Page 3 (2) Lines 23-26] *destined for a plurality of mobile terminal devices each being connected to a wireless communication network* [Varland: Page 2 (1) Line 30] *and being related to users, comprising:*

*-sending a preference profile including identification data and preference data of said user to a server connected to said wireless communication network, via said network* [Varland: Page 3 (2) Lines 1-4 and 9-14] *with access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26]; *and*

*-receiving a notification from said server, said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another of said users*.

However, Demers teaches that *the server is a mobile terminal device and related to another of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the

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matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Regarding claim 4, the claim comprises the same limitations as claims 3 and 2. The same rationale for rejection is applicable.

Regarding claim 5, the claim comprises the same limitations as claims 1 and 3. The same rationale for rejection is applicable.

Regarding claim 6, Varland-Demers discloses that *said wireless communication network is a cellular telephone network* [Varland: Page 5 (4) Lines 35-37].

Regarding claim 7, Varland-Demers discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

Regarding claim 8, Varland-Demers discloses that *said multiple access online application is a wireless communication network game* [Varland: Page 15 (14) Lines 15-22].

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Regarding claim 10, the claims comprise substantially the same limitations as claim 1.

The same rationale for rejection is applicable.

Regarding claim 18, the claim comprises the same limitations as claims 3 and 6. The same rationale for rejection is applicable.

Regarding claim 19, the claim comprises the same limitations as claims 3 and 7. The same rationale for rejection is applicable.

Regarding claim 20, the claim comprises substantially the same limitations as claims 3 and 8. The same rationale for rejection is applicable.

Regarding claim 22, the claims comprise substantially the same limitations as claim 3. The same rationale for rejection is applicable.

9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varland in view of Demers in further view of William F. Zanchi (US 5630159 A, hereinafter Zanchi).

Regarding claim 12, Varland discloses a network terminal device for notifying a user having a preference profile substantially matching with at least one other user [Varland: Page 3 (2) Lines 14-22], *for accessing a multiple access online application* [Varland:



Page 3 (2) Lines 23-26] *destined for a plurality of mobile terminal devices each being connected to a wireless communication network* [Varland: Page 2 (1) Line 30] *and being related to users, wherein said terminal device is configured to send a preference profile including identification data and preference data of said user via said interface and via said network to a server and configured to receive a notification from said server* [Varland: Page 3 (2) Lines 1-4 and 9-14], *wherein the server has access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26], *said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a second mobile terminal device related to another of said users*.

However, Demers teaches that *the server is a second mobile terminal device related to another of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because

in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

The combination of Varland and Demers does not explicitly disclose that the terminal comprises:

*-an interface to a wireless communication network for exchanging data with at least one server connected to said wireless communication network;*

*-a database to store identification data and preference data of a user of said terminal device; and*

*-a processor connected to said interface and said database.*

However, Zanchó teaches such an interface [Zanchó: Claim 6 ("port couples... by a wireless connection")], such a database [Zanchó: Claim 1 ("session preference memory... storing preferences")], and such a processor [Zanchó: Claim 1 ("controller")].

Varland-Demers and Zanchó are analogous art in the same field of endeavor, as both cover matching of user profiles in a networked environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matching system of Varland-Demers with the memory card and hardware scheme of Zanchó for implementation of a cellular telephone and server because in doing so the matching system of Varland-Demers would allow for users to transfer profiles seamlessly from one device to another [Zanchó: Column 2 Lines 37-38 and 46-48].

Regarding claim 13, Varland-Demers-Zanchó teaches that *said processor is further configured to access a multiple access online application via a wireless communication*

*network, in accordance with said received data to enable said access of said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 14, Varland-Demers-Zancho discloses *an interface for connecting an exchangeable memory device* [Zancho: Figure 1 and Column 2 Lines 49-51].

10. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varland in view of Demers in further view of Taniguchi et al. (US 2002/0013869 A1, hereinafter Taniguchi).

Regarding claim 15, Varland teaches *a server for determining and notifying users having substantially matching preference profiles* [Varland: Page 3 (2) Lines 14-22], *for accessing a multiple access online application* [Varland: Page 3 (2) Lines 23-26] *destined for a plurality of mobile terminal devices each being connected to a wireless communication network* [Varland: Page 2 (1) Line 30], *and being related to said users, wherein said network server comprises:*

*-a database to store data received from said terminal devices* [Varland: Figure 1 ("Client DB" and "Position DB")];

*-means for comparing said received preference data with preference data of at least a third other user for determining users of substantially matching preference data* [Varland: Figure 1 ("Match DB")]; *and*

*-means for sending a notification to each of said mobile terminals related to said determined users [Varland: Claim 1 ("notification signal")]*

*-wherein said interface is adapted to receive a preference profile including identification data and preference data from at least one other mobile terminal [Varland: Page 3 (2) Lines 1-2 and 9-14], and said database is adapted to store said preference profile [Varland: Figure 1 ("Client DB" and "Position DB")].*

Varland does not explicitly disclose that *the server is a mobile terminal device related to a user.*

However, Demers teaches that *the server is a mobile terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

The combination of Varland and Demers does not explicitly disclose:

*-an interface to a wireless communication network for exchanging data with terminal devices connected to said wireless communication network;*

*-and a processor being connected to said interface and said database to process data;*

However, Taniguchi discloses such an interface [Taniguchi: Paragraph 0121] and such a processor [Taniguchi: Paragraph 0121].

Varland-Demers and Taniguchi are analogous art in the same field of endeavor, as both cover client-server communication on a wireless network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matching system of Varland-Demers with the server components of Taniguchi for implementation of a cellular telephone and server because in doing so the matching system of Varland-Demers would allow for a physical implementation of the system.

Regarding claim 16, the claim comprises the same limitations as claims 15 and 7 as discussed above. The same rationale for rejection is applicable.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Varland and Demers in view of Zanchi as applied to claim 12 above and in view of Taniguchi as applied to claim 15 above.

Regarding claim 17, the claim comprises the same limitations as claims 12 and 15 as discussed above. The same rationale for rejection is applicable.

***Conclusion***

12. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571) 270-3628. The examiner can normally be reached on Monday through Friday from 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/IH/

Imad Hussain

Examiner

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151